

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.  
SUMNER SQUARE  
1615 M STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036-3215  
—  
(202) 326-7900  
FACSIMILE:  
(202) 326-7999

December 18, 2020

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001, 03-md-1570 (GBD) (SN)*

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) concerning proposed redactions being submitted to the Court in response to the Court’s order of November 24, 2020, ECF No. 6541.

Counsel for Saudi Arabia, the Plaintiffs’ Executive Committees (“Plaintiffs”), the FBI, and Dallah Avco have exchanged and reviewed proposed redactions to the Court’s sealed orders issued on July 22, 2019 (both orders); November 25, 2019; January 3 and 7, 2020; April 27, 2020; May 7, 2020; June 23, 2020; August 11, 2020 (both orders); August 27, 2020; and October 2, 2020. The parties have no disputes concerning specific redactions. Counsel for Plaintiffs has indicated that Plaintiffs maintain their previously raised general objections to redactions to the Court’s orders and will be writing to the Court separately to memorialize those objections.

Counsel for Saudi Arabia will send an email to chambers today attaching versions of the Court’s orders showing the proposed redactions. Yellow highlighting will indicate redactions that Saudi Arabia proposes for its confidential information. Red highlighting will indicate redactions that the FBI proposes for its confidential information. Dallah Avco has proposed no redactions for its confidential information.

While reviewing the orders to prepare proposed redactions, counsel for Saudi Arabia observed that two of the Court’s orders referred to information that had previously been designated confidential by counsel for third-party the King Fahad Mosque (“KFM”) and non-party deponent Khalil Al Khalil. Counsel for the KFM and Al Khalil have had an opportunity to review those orders (with redactions to protect FBI protected information) and have indicated that they will propose no redactions for their confidential information. Counsel for Saudi Arabia did not observe any other third-party confidential information in the above orders.

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As the Court has noted, its original order in July 2019 directed that the parties meet and confer concerning redactions not only to the Court's sealed orders, but also to "the parties' briefing, declarations, exhibits, and supplemental letters." ECF No. 6541, at 1 (citing ECF No. 4696, at 18). The parties have discussed a procedure for this work, which will require a substantial amount of review and which may also require the involvement of third parties whose confidential information is at issue.

Subject to the Court's approval, the parties have agreed to proceed on a rolling basis, beginning with the briefing and related papers filed in connection with the July 22, 2019 orders. Saudi Arabia has agreed to propose in the first instance redactions for its own confidential information in all papers filed by any party; and to propose redactions for FBI confidential information in Saudi Arabia's own filings. Plaintiffs have agreed to propose redactions for the FBI's confidential information in papers filed by Plaintiffs. The FBI has agreed to review proposed redactions for FBI confidential information as they are submitted by the parties. The parties will submit a status report to the Court concerning their progress on January 22, 2021.

We thank the Court for its attention to these matters.

Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: All MDL Counsel of Record (via ECF)